

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED:

12/10/2019

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TRACEY WAHL,

Plaintiff,

-against-

ARCHCARE, ET AL.,

Defendants.  
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18 Civ. 8793 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the case management conference was held on December 9, 2019;

WHEREAS, the Complaint alleges claims based on (1) discrimination under Title VII, the New York State Human Rights Law and the New York City Human Rights Law, (2) constitutional violations under 42 U.S.C. § 1983, (3) age discrimination under the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, (4) negligent hiring and supervision and (5) negligent infliction of emotional distress. Although the Complaint's subtitle for this fifth claim is "*Intentional Infliction of Emotional Distress*," the subsequent body clarifies that Plaintiff is alleging a negligence claim;

WHEREAS, at the December 9, 2019, conference, Plaintiff stated she is dismissing any discrimination claims based on her age or race and is alleging claims based only her sexual orientation. Plaintiff further stated she is dismissing any retaliation claim. She agreed that the only remaining claims are (1) discrimination based on sexual orientation, (2) negligent hiring and supervision and (3) negligent infliction of emotional distress.

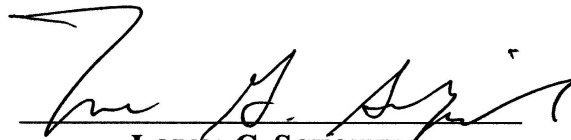
WHEREAS, all Defendants but Defendant Metropolitan Jewish Health System ("MJHS") have been voluntarily dismissed from the action. It is hereby

**ORDERED** that, for the reasons discussed at the conference, Plaintiff and remaining

Defendant MJHS shall proceed to a settlement conference before Judge Moses. A settlement referral will follow separately. It is further

**ORDERED** that, consistent with Plaintiff's representations at the conference, the only remaining claims are (1) discrimination based on sexual orientation in Counts One and Three, (2) negligent hiring and supervision in Count Five and (3) negligent infliction of emotional distress in Count Six, against Defendant MJHS.

Dated: December 10, 2019  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**